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February 18, 1998

The Honorable Kenneth W. Starr
Office of the Independent Counsel
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Judge Starr:

I write as a member of the House Judiciary Committee who served as a prosecutor for more than two decades, and has followed the course of your 30-month tenure as Independent Counsel with growing concern.

As you well know, the Independent Counsel statute was conceived in the aftermath of the Watergate scandal to help restore the nation's shaken confidence in the capacity of our government to adhere to the rule of law. The process created by the statute was intended to ensure that criminal investigations of high-ranking officials would be free of even the appearance of partisanship, favoritism, undue influence or abuse of power.

Over the past two-and-a-half years, persistent criticisms have been made regarding the fairness and impartiality of the investigation conducted by your office. Whatever the merits of those criticisms, it is apparent that the confidence of the American people in the integrity of that process — the very confidence which the statute was enacted to restore — has been seriously and perhaps irreparably eroded.

No prosecutor, least of all the Independent Counsel, can function credibly and effectively without the public trust that is so essential to the prosecutorial mission. It is only when the public is persuaded of the fundamental integrity of an investigation that it will accept the results, whatever they may be.

As a member of the congressional committee that will soon be called upon to debate the future of the Independent Counsel statute, I have very serious reservations about the law as it now stands. But unless and until it is amended or repealed, every investigation undertaken under its authority must be able to command the confidence of the nation.

That is why I believe the time has come for you to consider whether it would be best to step aside and recommend the appointment of another Independent Counsel to continue the investigation. I recognize that this is not an easy thing to do. But I sincerely believe that the office you hold — and the good of the country — may require it.

Sincerely,



William D. Delahunt